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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

WALTER ADILIO AJIATAS-
MAZARIEGOS

a/k/a WALTER ADILIO
MAZARIEGOS,

a/k/a WILSON REYES, and

a/k/a WILFRED CASTANEDA,

Defendant.

CR No. 08-920 CRB

STIPULATION AND ~~PROPOSED~~ ORDER
EXCLUDING TIME UNDER 18 U.S.C. § 3161

On December 18, 2008, the parties in this case appeared before the Court for the defendant's arraignment. At that time, the parties requested that the Court exclude all time under the Speedy Trial Act between December 18, 2008 and January 7, 2009 because defense counsel needs additional time to review documents, which the government produced recently. The

1 parties agree that the length of the continuance is the reasonable time necessary for preparation of
 2 defense counsel. 18 U.S.C. § 3161(h)(8)(B)(iv). The parties also agree that the ends of justice
 3 served by granting the requested continuance outweigh the best interests of the public and the
 4 defendant in a speedy trial. 18 U.S.C. § 3161(h)(8)(A).

5 The parties also agree that two days have elapsed under the Speedy Trial Act and that the
 6 defendant's speedy trial deadline will be March 16, 2009.

7 SO STIPULATED:

8 JOSEPH P. RUSSONIELLO
 9 United States Attorney

10
 11 DATED: December 19, 2008 /s/
 12 TAREK J. HELOU
 13 Assistant United States Attorney

14 DATED: December 19, 2008 /s/
 15 STEVEN G. KALAR
 16 Attorney for WALTER A. AJIATAS-MAZARIEGOS

17 For the reasons stated above, the Court finds that exclusion of time from December 18, 2008
 18 through January 7, 2009 is warranted and that the ends of justice served by the continuance
 19 outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. §3161
 20 (h)(8)(A). The failure to grant the requested continuance would deny the defendant effective
 21 preparation of counsel, and would result in a miscarriage of justice. 18 U.S.C. §
 22 3161(h)(8)(B)(iv).

23 SO ORDERED.

24
 25 DATED: 12/19/08

26 
 27 THE HONORABLE EDWARD M. CHEN
 28 United States Magistrate Judge